

Assembly Bill No. 372

CHAPTER 75

An act to amend Sections 18973.5, 18974.5, 18975, 18976, and 18977 of, to repeal Sections 18971, 18972, 18974, and 18978 of, and to repeal and add Sections 18973 and 18973.1 of, the Government Code, relating to civil service.

[Approved by Governor August 12, 2013. Filed with
Secretary of State August 12, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

AB 372, Eggman. Civil service: veterans' preference in hiring.

The State Civil Service Act contains various provisions providing for veterans' credits in relation to any open competitive entrance examination.

Existing law requires that veterans, widows or widowers of veterans, and spouses of 100% disabled veterans, who become eligible for certification from eligible lists by attaining a passing mark, be allowed specified additional credits. Existing law provides that veterans who become eligible by attaining a passing mark are required to be classified ahead of all nonveterans with respect to entrance examinations to establish eligible lists for policemen and watchmen. Existing law also authorizes general or individual preference in ratings to veterans who have suffered permanent disability in the line of duty subject to certain requirements. Existing law requires credit to be added to the percentage attained in the examination by the veteran, widow or widower, requires the name of each to be placed on the eligible list after the credit has been added, and requires ties to be decided in favor of veterans and widows or widowers of veterans. Under existing law, for any entrance examination held to fill a vacancy, a veteran who becomes eligible for certification from eligible lists by attaining the passing mark is required to receive certain credits.

This bill would delete the credit provisions and would revise and recast the provisions governing veterans' preference. The bill would instead provide that whenever any veteran, widow or widower of a veteran, or spouse of a 100% disabled veteran achieves a passing score on an entrance examination, he or she is required to be ranked in the top rank of the resulting eligibility list, except if the veteran was dishonorably discharged or released.

For purposes of allowing preference points to veterans for civil service entrance examinations, existing law defines an entrance examination to include any open competitive examination other than one for a class having a requirement of both college graduation and 2 or more years of experience.

This bill would delete the provision that excludes those examinations for a class having a requirement of both college graduation and 2 or more years

of experience from the definition of an entrance examination for purposes of allowing preference points for veterans, as specified.

Existing law requires the request for and proof of eligibility for veterans' preference credits to be submitted by the veteran to the department conducting the employment examination.

This bill would authorize that eligibility to be submitted to the designated appointing authority conducting the employment examination.

The bill would make findings and declarations in this regard.

The bill would also make other technical and conforming changes.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) Though unemployment has fallen among veterans nationwide, the unemployment rate of veterans of post-9/11 conflicts is 11.1 percent, exceeding the 7 percent unemployment rate of the general population.

(b) Educational attainment of veterans continues to rise, and there has been a significant increase in the post-9/11 era in the proportion of veterans who have completed bachelor's degrees.

(c) The percentage of veterans in California with bachelor's degrees exceeds the national average.

(d) Veterans tend to be enrolled in college at older ages than nonveterans, and are thus older than nonveterans when they enter the educated workforce.

(e) It is the intent of the Legislature in enacting this act to expand employment opportunities for veterans and to improve the application of veterans' preferences in state hiring.

SEC. 2. Section 18971 of the Government Code is repealed.

SEC. 3. Section 18972 of the Government Code is repealed.

SEC. 4. Section 18973 of the Government Code is repealed.

SEC. 5. Section 18973 is added to the Government Code, to read:

18973. For purposes of this article, the following definitions shall apply:

(a) "Veteran" has the same meaning as defined in Section 18540.4.

(b) "Disabled veteran" has the same meaning as defined in Section 18541.

(c) "100 percent disabled veteran" means any veteran as defined in this section who is currently declared by the United States Veterans Administration to be 100 percent disabled as a result of his or her service.

SEC. 6. Section 18973.1 of the Government Code is repealed.

SEC. 7. Section 18973.1 is added to the Government Code, to read:

18973.1. Whenever any veteran, widow or widower of a veteran, or spouse of a 100 percent disabled veteran achieves a passing score on an entrance examination, he or she shall be ranked in the top rank of the resulting eligibility list. This section shall not apply to any veteran who has been dishonorably discharged or released.

SEC. 8. Section 18973.5 of the Government Code is amended to read:

18973.5. (a) For purposes of this article, an entrance examination is any open competitive examination.

(b) No veterans' preference under this article shall be awarded to permanent civil service employees.

SEC. 9. Section 18974 of the Government Code is repealed.

SEC. 10. Section 18974.5 of the Government Code is amended to read:

18974.5. Any member of the Armed Forces who successfully passes any state civil service examination and whose name as a result is placed on an employment list and who within 12 months after the establishment of the employment list for which the examination was given qualifies for veterans' preference as provided for in this article shall be allowed the appropriate veterans' credit to the same effect as though he or she were entitled to that credit at the time of the establishing of the employment list.

SEC. 11. Section 18975 of the Government Code is amended to read:

18975. Periods of service in the recognized military service shall be counted by the department as qualifying experience upon a showing by the veteran that the veteran's service involved duties and responsibilities of the kind for which credit for experience is being allowed.

SEC. 12. Section 18976 of the Government Code is amended to read:

18976. Request for and proof of eligibility for veterans' preference shall be submitted by the veteran to the department or designated appointing authority conducting the employment examination. The procedures and time of filing the request shall be subject to rules promulgated by the department, in consultation with the Department of Veterans Affairs.

SEC. 13. Section 18977 of the Government Code is amended to read:

18977. Where experience is required as a minimum qualification for any civil service examination, a person, who is or has been on military leave from a state civil service or exempt position or from a position in any federal or other public agency the functions of which as they relate to the position have been transferred to the state shall be granted full credit for time spent on that military leave, as if he or she had remained in the position he held at the time he or she entered the military service.

SEC. 14. Section 18978 of the Government Code is repealed.